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FM AMEMBASSY SANTO DOMINGO
TO RUEHC/SECSTATE WASHDC PRIORITY 2768
INFO RUEHZA/WHA CENTRAL AMERICAN COLLECTIVE PRIORITY
RUEHWN/AMEMBASSY BRIDGETOWN PRIORITY 2249
RUEHCV/AMEMBASSY CARACAS PRIORITY 1000
RUEHGE/AMEMBASSY GEORGETOWN PRIORITY 1159
RUEHKG/AMEMBASSY KINGSTON PRIORITY 2948
RUEHLP/AMEMBASSY LA PAZ MAY 0567
RUEHPO/AMEMBASSY PARAMARIBO PRIORITY 1283
RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 4995
RUEHSP/AMEMBASSY PORT OF SPAIN PRIORITY 1988
RUEHUB/USINT HAVANA PRIORITY 0269
RHEFDIA/DIA WASHDC PRIORITY
RUMISTA/CDR USSOUTHCOM MIAMI FL PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY

C O N F I D E N T I A L SANTO DOMINGO 000566

SIPDIS

STATE FOR WHA/CAR, LA PAZ FOR A/DCM C LAMBERT

E.O. 12958: DECL: 05/14/2019
TAGS: [PGOV](#) [PHUM](#) [PREF](#) [ECON](#) [DR](#)
SUBJECT: FERNANDEZ AND VARGAS SIGN PACT ON CONSTITUTIONAL
CHANGE

REF: A. 08 SANTO DOMINGO 1608
[1](#)B. SANTO DOMINGO 0315
[1](#)C. SANTO DOMINGO 0051

Classified By: Peter G. Hemsch, Political Chief, Reasons 1.4(b), (d)

[1](#)1. (SBU) SUMMARY: On May 14, the leaders of the Dominican Republic's two largest political parties issued and signed a joint declaration on seven of the constitutional articles currently being debated by the Congress, which must approve the new constitution proposed by President Fernandez (Reftels). The pact was signed by Fernandez, of the ruling PLD party, and Miguel Vargas Maldonado, who is de facto leader of the opposition PRD party. The leaders stated diplomatically that they, "hope the agreement will be taken into consideration by the honorable assemblymen," and given the considerable sway they hold over their caucuses in Congress, it will be difficult to prevent the deal from being approved by the legislature. The declaration includes the elimination of consecutive presidential re-election and, if endorsed by Congress, would bar Fernandez from running in 2012 but permit him to seek office again in 2016.

[1](#)2. (U) A summary translation of the seven issues agreed upon follows:

[1](#)I. It is proposed that the current regime for determining nationality be changed to incorporate a combination of jus sanguinis and jus soli.

II. It is proposed that the number of members of the House of Representatives be frozen at its current number, including Representatives for overseas and national representation.

III. It is agreed to propose that representatives for Dominicans overseas be elected.

IV. It is proposed that legislators be elected on the basis of national representation, based on accumulation of votes, chosen in proportion to the number of votes obtained by each party.

[1](#)V. It is proposed that presidential, congressional, and municipal elections be unified in the same year. The legislators elected in 2010 should remain in office until

2016 (at which time all elections will be held on the same date and in the same year).

VI. It is proposed that the necessary constitutional articles be approved for the modernization, professionalization, and institutionalization of the Armed Forces and National Police.

VII. (Regarding presidential re-election), it is proposed to adopt, with immediate application, the formula consecrated in the constitutional change of August 14, 1994, which stated, "The President of the Republic will be elected every four years by direct vote, not being elected for a consecutive term."

(The full Spanish text can be found at
[http://67.199.16.148/el-pais/2009/5/14/277692 /](http://67.199.16.148/el-pais/2009/5/14/277692/)
Acuerdos-abriran-nueva-etapa-politica-en-el-pais .)

13. (C) COMMENT: This is a breaking event and the full extent of the reaction from politicians, civil society, and the Dominican public remains to be seen. Post's initial comments follow:

-- Presidential re-election: In exchange for Fernandez's pledge not to run in 2012, which allows Vargas to contend against a non-incumbent that year, the President earns the right to run again in 2016. Because of both parties' past use of government spending to favor their incumbent presidential candidate, democracy NGOs and others have long advocated for a ban on consecutive presidential re-election.
-- Nationality: Without more details, it is not possible to assess the impact of this article, which could have a significant effect on Haitians and persons of Haitian descent

here.

-- Unification of Elections: The country is split on this issue. Some argue that, since presidential and congressional elections are held in different years, holding elections every two years makes elections costly and problematic for politicians who need a break from voting to make politically difficult reforms. Others state that holding elections in the same year, as is proposed by Fernandez and Vargas, weakens the legislative branch because of the presidential coattail effect at the ballot box.

-- Number of Representatives: Given that there are already 178 congressmen for this country of 9.4 million people, the President's previous proposal to increase the number had received limited support.

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<http://www.state.sgov.gov/p/wha/santodomingo/>
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